

IN THE CIRCUIT COURT OF THE
15th JUDICIAL CIRCUIT, IN AND FOR
PALM BEACH COUNTY, FLORIDA

CASE NO.: 2014 CA 002034 (AA)

CHARISSE Y. MATTHEWS and WAYNE
A. DIXSON, individually and as Parents
and Natural Guardians of MATTHEW
DIXSON, a minor,

Plaintiffs,

vs.

DUDLEY G. BROWN, JR., M.D.;
TENET FLORIDA PHYSICIANS SERVICES,
LLC; BERTO LOPEZ, M.D.; BERTO LOPEZ,
M.D., P.A.; and TENET GOOD SAMARITAN
INC. d/b/a GOOD SAMARITAN MEDICAL
CENTER,

Defendants.

**DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' CLAIM FOR FRAUD ON THE COURT**

COME NOW, the Defendants, DUDLEY G. BROWN, JR., M.D. and TENET FLORIDA PHYSICIANS SERVICES, by and through their undersigned counsel, and hereby file this, their Motion to Dismiss Plaintiffs' Complaint for Fraud on the Court, and state in support thereof, as follows:

FACTS

1. This is an alleged medical negligence case in which Plaintiffs claim that their infant son was injured at the time of his delivery and sustained a permanent brachial plexus injury. In addition to the claims they have filed on Matthew's behalf, as his guardian, the Plaintiffs have further made individual claims, *inter alia*, the loss of

companionship, society, and affection of their minor son. See Plaintiff's Complaint, attached hereto as Exhibit "A," ¶ 58.

2. Undersigned counsel's investigation has, within the last few days, revealed that Ms. Matthew and Mr. Dixon have not been forthright and honest about their relationship with Matthew Dixon, their addresses, or custody of Matthew. Moreover, they may not even be Matthew's current guardian, or have standing to pursue the instant action on his behalf.

3. Ms. Matthews testified at her deposition on September 9, 2014, that Matthew resided with her since his birth on November 27, 2011 (Deposition of Charisse Matthews, pp. 8–11). Moreover, Ms. Matthews and Mr. Dixon indicated in their answers to interrogatories dated June 9, 2014, that Matthew resided with Ms. Matthews and was in her custody. (Plaintiff's Answers to Dr. Brown's Medical Malpractice Interrogatories, No. 1). She further testified that she could not recall whether she was involved in any other lawsuits, other than the instant claim (Deposition of Charisse Matthews, p. 91). A copy of the Answers to Interrogatories is attached hereto as Exhibit "B."

4. According to her sworn testimony and answers to interrogatories, at the time of Matthew's birth, Charisse Matthews was living on Marsh Harbor Drive in Riviera Beach, Florida. In July 2012, she moved to Pipers Cay in West Palm Beach, Florida. In July 2013, Charisse Matthews moved to Bradley Street in West Palm Beach, Florida. In February 2014, she moved to Avenue M in Fort Pierce, Florida, where she was living at the time this lawsuit was filed in March 2014. At each of these addresses, Charisse Matthews testified that Matthew Dixon lived with her.

5. More recently, in their answers to our Updated Interrogatories to the Minor Plaintiff, Plaintiffs' responded that Matthew Dixon was living at the Avenue M address in Fort Pierce, Florida, clearly insinuating that Matthew was living with his parents. A copy of these interrogatory answers are attached hereto as Exhibit "C"

**Matthew Dixon Has Not Lived with His Parents Since December of 2013
And Was Removed From Ms. Matthew's Care, Custody, and Control**

6. On April 2, 2015, the Florida Department of Revenue, on behalf of Charisse Matthews, filed a Motion to Suspend On-Going Child Support in a Family Court Matter; Case No. 2013-DR-6368 FA. It is clear that this lawsuit had been ongoing since 2013, and was never mentioned by Charisse Matthews or Wayne Dixon.

7. Within the Motion, filed on behalf of Charisse Matthews, the Department of Revenue set forth that **"The minor child is no longer in the care, custody, and control of the Petitioner [Charisse Matthews] effective 12/01/2013."** The Motion was served on Charisse Matthews and Wayne Dixon. A copy of the Motion is attached hereto as Exhibit "D."

8. On April 15, 2015, the matter was brought for hearing before Judge Garrison who entered an Order on Department of Revenue's Motion to Suspend Charging of Child Support Ledger. The Order suspended child support payments based "upon evidence presented" and "a review of the court file." The Order further indicated that the minor **child was no longer in Ms. Matthew's household as of November 2013.** Moreover, child support was suspended retroactive to that date, based on this finding. A copy of the Order is attached hereto as Exhibit "E"

9. This motion and subsequent court order is in direct contradiction with the Plaintiffs' sworn testimony and interrogatories that Matthew Dixon has lived with Ms. Matthews since his birth in November of 2011.

10. In addition to this misrepresentation, Plaintiffs are trying to collect monies *individually* for loss of consortium of their minor son, claiming that the alleged medical negligence has rendered their relationship with their son lacking in terms of, for example, love, service, and companionship. However, Plaintiffs lack such relationship regardless of alleged medical negligence because their son is no longer in their custody. In addition, a Life Care Plan has been prepared based in large part that Matthew Dixon has been and will continue to live with Charisse Matthews and/or Wayne Dixon.

MEMORANDUM OF LAW

11. The trial court may dismiss a plaintiff's entire case when the plaintiff "perpetrates a fraud on the court which permeates the entire proceedings". *McKnight v. Evancheck*, 907 So.2d 699, 700 (Fla. 4th DCA 2005). Such a power is indispensable to the proper administration of justice because the plaintiff does not have a right to trifle with the courts. *Ramey v. Haverty Furniture Companies, Inc.*, 93 So.2d 1014, 1018 (Fla. 2d DCA 2008). To obtain a dismissal on the basis that the Plaintiff committed a fraud on the court, the Defendant must prove by clear and convincing evidence that the Plaintiff set in motion some unconscionable scheme calculated to interfere with the judicial system's ability to impartially adjudicate a matter by improperly influencing the trier of fact or unfairly hampering the presentation of the Defendant's defense. *Id.*

12. In the instant matter, the Plaintiffs, CHARISSE MATTHEWS and WAYNE DIXSON, have attempted to file a claim for loss of consortium of their minor son, as well

as a loss of earning capacity for both them and their minor son. Moreover, Plaintiff Charisse Matthews testified under oath that she has lived with her son Matthew Dixon at all times since his birth on November 27, 2011, and never once revealed that she had lost custody or control of Matthew.

13. Thus, the Plaintiffs set in motion a fraudulent scheme to poison the juror's minds concerning the central issues in the case by contending that:

- a) they have lived with and enjoyed the companionship of their minor son, Matthew Dixon, at all times since his birth;
- b) they have lost earnings and lost earning potential for the past and future care of their minor son, Matthew Dixon; and
- c) they will suffer in the future from Matthew Dixon's lost earning potential, as they anticipate he will still be a member of their household (despite that he was not in their care, custody, or control at the time the suit was filed).

14. The entire crux of the Plaintiffs', Charisse Matthews and Wayne Dixon, individual claims for loss of consortium is based on misrepresentation. In providing perjurious testimony, Charisse Matthews engaged in highly culpable misconduct; perjury is as serious offense that results in incalculable harm to the functioning and integrity of the legal system and private individuals. *Id.* at 1020 citing *United States v. Holland*, 22 F.3d 1040, 1047 (11th Cir. 1994).

15. In circumstances where the plaintiff perpetrates a fraud on the court, the need to maintain the integrity of the judicial system and the desirability of deterring future misconduct strongly support the sanction of dismissal. *Ramey*, 93 So.2d at 1020; see also *Bass v. City of Pembroke Pines*, 991 So.2d 1008, 1011 (Fla. 4th DCA 2008) ("The integrity of the civil litigation process depends on the truthful disclosure of facts. A system that depends on an adversary's ability to uncover falsehoods is a doomed

failure, which is why this kind of conduct must be discouraged in the strongest possible way.").

16. As such, the individual claims of Charisse Matthews and Wayne Dixon should be dismissed as a matter of law because their dishonest statements under oath are fraudulent contentions directly related to the central issue in their individual claims—the loss of companionship of the minor child and loss of earnings due to needing to care for their family member. *Id. citing Metro Dade County v. Martinsen*, 736 So.2d 794, 795 (Fla. 3d DCA 1999) (finding that the dismissal of a fraudulent claim was proper where the plaintiff's false statements go directly to the heart of her claim, and subvert the integrity of the entire action).

WHEREFORE, the Defendants, DUDLEY G. BROWN, JR., M.D. and TENET FLORIDA PHYSICIANS SERVICES, respectfully request this Honorable Court grant their Motion to Dismiss and any other relief deemed just and appropriate.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been filed via the Florida Courts E-Filing Portal and served to all counsel on the attached service list this 23rd day of October, 2015.

By: /s/Manuel R. Comras

Manuel R. Comras, Esq.

Florida Bar Number: 142300

Billing, Cochran, Lyles, Mauro

& Ramsey, P.A.

Attorneys for Dudley G. Brown, Jr., M.D.

& Tenet Florida Physicians Services, LLC

1601 Forum Place, Suite 400

West Palm Beach, FL 33401

Telephone: 561/659-5970

Facsimile: 561/659-6173

E-Mail Service: wpb-pleadings@bclmr.com

SERVICE LIST

Loreen I. Kreizinger, Esq.
Loreen I. Kreizinger, P.A.
Attorney for Plaintiffs
110 Tower - 20th Floor
110 S.E. Sixth Street
Fort Lauderdale, FL 33301
Telephone: 954/766-8875
Facsimile: 954/728-3485
E-Mail: Kreizingerlaw@aol.com

James C. Sawran, Esq.
John C. Webber, Esq.
McIntosh, Sawran & Cartaya, P.A.
Attorneys for GSMC
1601 Forum Place, Suite 602
West Palm Beach, FL 33401
Telephone: 561/682-3202
Facsimile: 561/682-3206
E-Mails: jcspleadings@mscesq.com
jsawran@mscesq.com
jwebber@mscesq.com
dazzarelli@mscesq.com
nbrown_rivero@mscesq.com

Gordon Lea, Esq.
Lubell & Rosen, LLC
Attorneys for Berto Lopez, M.D. and Berto Lopez, M.D., P.A.
Museum Plaza, Suite 900
200 South Andrews Avenue
Fort Lauderdale, FL 33301
Telephone: 954/755-3425
Facsimile: 954/755-2993
E-Mails: gl@lubellrosen.com
amanda@lubellrosen.com

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CASE NO: 2014 CA 002034 (AA)

CHARISSE Y. MATTHEWS and
WAYNE A. DIXSON, individually
and as Parents and Natural
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a minor,

Plaintiffs,

vs.

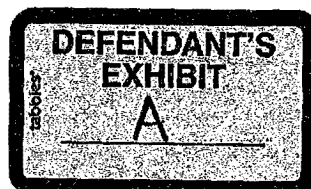
DUDLEY G. BROWN, JR., M.D.;
TENET FLORIDA PHYSICIANS SERVICES,
LLC; BERTO LOPEZ, M.D.; BERTO
LOPEZ, M.D., P.A.; and TENET
GOOD SAMARITAN, INC. d/b/a
GOOD SAMARITAN MEDICAL CENTER,

Defendants.

COMPLAINT

COME NOW the Plaintiffs, CHARISSE Y. MATTHEWS and WAYNE A. DIXSON, individually and as parents and natural guardians of MATTHEW DIXSON, a minor, by and through the undersigned attorneys, and sue the Defendants, DUDLEY G. BROWN, JR., M.D.; TENET FLORIDA PHYSICIANS SERVICES, L.L.C.; BERTO LOPEZ, M.D.; BERTO LOPEZ, M.D., P.A.; and TENET GOOD SAMARITAN, INC. d/b/a GOOD SAMARITAN MEDICAL CENTER, and as grounds therefor would state:

1. This is an action for damages in excess of Fifteen Thousand Dollars.



2. At all times material hereto, the Plaintiffs, CHARISSE Y. MATTHEWS and WAYNE A. DIXSON, were and are the parents and natural guardians of MATTHEW DIXSON, a minor.

3. At the time of the incident complained of herein, the Plaintiffs, MATTHEW DIXSON, a minor, and CHARISSE Y. MATTHEWS and WAYNE A. DIXSON, his parents and natural guardians, were and are residents of Palm Beach County, Florida.

4. At all times material hereto, the Defendant, DUDLEY G. BROWN, JR., M.D. (hereinafter "DR. BROWN"), was and is a resident of Palm Beach County, Florida, duly licensed to practice medicine in the State of Florida, and practicing medicine in Palm Beach County, Florida.

5. At all times material hereto, the Defendant, TENET FLORIDA PHYSICIANS SERVICES, L.L.C. (hereinafter "TENET PHYSICIANS"), was and is a Florida corporation organized and existing under the laws of the State of Florida, and doing business in Palm Beach County, Florida.

6. At all times material hereto, the Defendant, BERTO LOPEZ, M.D. (hereinafter "DR. LOPEZ"), was and is a resident of Palm Beach County, Florida, duly licensed to practice medicine in the State of Florida, and practicing medicine in Palm Beach County, Florida.

7. At all times material hereto, the Defendant, BERTO LOPEZ, M.D., P.A. (hereinafter "LOPEZ P.A."), was and is a Florida

corporation organized and existing under the laws of the State of Florida, and doing business in Palm Beach County, Florida.

8. At all times material hereto, the Defendant, TENET GOOD SAMARITAN, INC. d/b/a GOOD SAMARITAN MEDICAL CENTER (hereinafter "GOOD SAMARITAN"), was and is a Florida corporation organized and existing under the laws of the State of Florida, and doing business in Palm Beach County, Florida.

9. At all times material hereto, the Defendant, DR. BROWN, was an agent, apparent agent, representative, and/or employee of the Defendant, TENET PHYSICIANS, and at the time of the incident complained of herein, said Defendant was acting within the course and scope of his work at Defendant, TENET PHYSICIANS.

10. At all times material hereto, the Defendant, DR. BROWN, was an agent, apparent agent, representative, and/or employee of the Defendant, TENET PHYSICIANS, and at the time of the incident complained of herein, the Defendant, TENET PHYSICIANS, is vicariously responsible for any and all acts of its agents, apparent agents, representatives, employees and/or physicians, including DR. BROWN, of the Defendant, TENET PHYSICIANS.

11. At all times material hereto, the Defendant, TENET PHYSICIANS, is vicariously responsible for any of the agents, apparent agents, representatives, employees, doctors and/or health care professionals who rendered care and treatment to the Plaintiff, CHARISSE Y. MATTHEWS, which resulted in the injuries to

the Minor Plaintiff, MATTHEW DIXSON, at the time of the alleged incident.

12. At all times material hereto, the Defendant, DR. LOPEZ, was an agent, apparent agent, representative, and/or employee of the Defendant, LOPEZ P.A., and at the time of the incident complained of herein, said Defendant was acting within the course and scope of his work at Defendant, LOPEZ P.A.

13. At all times material hereto, the Defendant, DR. LOPEZ, was an agent, apparent agent, representative, and/or employee of the Defendant, LOPEZ P.A., and at the time of the incident complained of herein, the Defendant, LOPEZ P.A., is vicariously responsible for any and all acts of its agents, apparent agents, representatives, employees and/or physicians, including DR. LOPEZ, of the Defendant, LOPEZ P.A.

14. At all times material hereto, the Defendant, LOPEZ P.A., is vicariously responsible for any of the agents, apparent agents, representatives, employees, doctors and/or health care professionals who rendered care and treatment to the Plaintiff, CHARISSE Y. MATTHEWS, which resulted in the injuries to the Minor Plaintiff, MATTHEW DIXSON, at the time of the alleged incident.

15. At all time material hereto, the Defendant, GOOD SAMARITAN, is vicariously liable for any and all acts of negligence or departures from the prevailing professional standard of care by its agents, apparent agents, employees, representatives, servants,

nurses and/or physicians, including Melody Hackett, R.N., and DR. BROWN.

16. At all times material hereto, Plaintiffs have complied with Florida Statute § 766.106 as a prerequisite to filing this lawsuit.

17. Plaintiffs filed a Petition for a 90-Day Extension to the Statute of Limitations on November 5, 2013 (a copy of said Petition is attached hereto as Plaintiffs' Exhibit "A").

18. On or about July 20, 2011, the Plaintiff, CHARISSE Y. MATTHEWS, came under the medical care and treatment of Defendant, DR. LOPEZ, regarding her pregnancy with the then unborn minor Plaintiff, MATTHEW DIXSON.

19. Plaintiff, CHARISSE Y. MATTHEWS, remained under the care of DR. LOPEZ throughout her pregnancy until she was admitted to GOOD SAMARITAN MEDICAL CENTER on November 27, 2011, at which time she came under the care and treatment of GOOD SAMARITAN and DR. BROWN.

20. On or about November 27, 2011, the Plaintiff, CHARISSE Y. MATTHEWS, while pregnant at 40 weeks gestation, was admitted to GOOD SAMARITAN MEDICAL CENTER while under the medical care and treatment of the Defendant, DR. LOPEZ, as well as delivering physician, DR. BROWN, and other agents, apparent agents, representatives, employees, nurses, physicians and/or health care professionals of Defendant, GOOD SAMARITAN. As a result of the

care and treatment rendered to the Plaintiff, CHARISSE Y. MATTHEWS, and her infant newborn son, MATTHEW DIXSON, the Plaintiff, MATTHEW DIXSON, suffered a right broken humerus and a permanent and debilitating left brachial plexus injury at the time of his delivery.

COUNT 1
NEGLIGENCE OF DR. BROWN

Plaintiffs reallege and reaver Paragraphs 1 through 20 inclusive, as if fully set forth herein and would further state:

21. At all times material hereto, the Defendant, DR. BROWN, agreed and undertook to examine, diagnose, treat and attend the Plaintiff, CHARISSE Y. MATTHEWS, in the delivery of the Minor Plaintiff, MATTHEW DIXSON.

22. At all times material hereto, the Defendant, DR. BROWN, had a duty to exercise that degree of care and skill in examining, diagnosing, and treating the Plaintiff, CHARISSE Y. MATTHEWS, in the delivery of the Minor Plaintiff, MATTHEW DIXSON, commensurate with the prevailing professional standard of care.

23. The Defendant, DR. BROWN, was careless, negligent, and breached said duty as follows:

- a. By failing to evaluate the condition of the Plaintiff, CHARISSE Y. MATTHEWS, prenatally;
- b. By failing to monitor the position of the unborn infant, Plaintiff, MATTHEW DIXSON, prior to delivery;
- c. By failing to obtain a proper and complete medical history of the Plaintiff, CHARISSE Y. MATTHEWS;

- d. By using excessive lateral traction on the Plaintiff infant, MATTHEW DIXSON'S head to remove MATTHEW DIXSON vaginally;
- e. By failing to perform proper and adequate examinations of the Plaintiff, CHARISSE Y. MATTHEWS;
- f. By failing to monitor the labor and progress and/or failure to progress in labor of the Plaintiff, CHARISSE Y. MATTHEWS;
- g. By failing to perform all necessary and proper tests to determine whether or not the Plaintiff, CHARISSE Y. MATTHEWS, needed a cesarean section;
- h. By failing to monitor the position of the Plaintiff, MATTHEW DIXSON, prior to his delivery;
- i. By failing to monitor the vital signs of the Plaintiff, CHARISSE Y. MATTHEWS, during labor;
- j. By failing to monitor the vital signs of the Plaintiff, MATTHEW DIXSON, prior to his delivery;
- k. By failing to properly monitor the variability of the Plaintiff, MATTHEW DIXSON, prior to his delivery and birth;
- l. By failing to properly monitor the fetal assessment of the Plaintiff, MATTHEW DIXSON, prior to his delivery and birth;
- m. By failing to properly monitor the uterine assessment of the Plaintiff, CHARISSE Y. MATTHEWS, prior to the delivery and birth of the Plaintiff, MATTHEW DIXSON;
- n. By failing to properly remove the Plaintiff, MATTHEW DIXSON, such that at the time of the delivery he did not suffer a shoulder injury/brachial plexus injury;
- o. By failing to perform all proper delivery maneuvers when it became apparent that there was a shoulder dystocia;

- p. By allowing fundal pressure to be utilized at the time of the delivery;
- q. By failing to properly supervise and monitor the nurses at the time of the delivery;
- r. By failing to properly read the fetal monitoring strips and render all necessary care relative to the monitoring strips; and
- s. By failing to timely and appropriately manage the care and treatment of CHARISSE Y. MATTHEWS and her unborn child under the circumstances.

24. At all times material hereto, the aforesaid acts or omissions on the part of the Defendant, DR. BROWN, fell below the standard of care required of him by his training, experience and the prevailing professional standard of care.

25. As a direct, proximate and foreseeable result of the negligence of the Defendant, DR. BROWN, the Minor Plaintiff, MATTHEW DIXSON, was injured in and about his body and/or aggravated a pre-existing condition or injury, suffered pain therefrom, including mental pain and suffering; has suffered psychological and emotional damages; has suffered physical handicap, scarring, disfigurement; has sustained permanent injury; has suffered loss of bodily function; has incurred medical and related expenses in the treatment of those injuries, his working ability has been impaired for the future; and has lost the capacity for the enjoyment of life.

26. In that the injuries suffered by the Minor Plaintiff, MATTHEW DIXSON, are continuing in nature, he will continue to

suffer pain and emotional damages, physical handicap, and loss of bodily function, scarring, disfigurement, and permanent injury in the future; will be further compelled to expend great sums of money for medical care and treatment for those injuries; will suffer the loss of wages and earning capacity in the future; and will continue to suffer the loss of the capacity for the enjoyment of life.

WHEREFORE, Plaintiffs CHARISSE Y. MATTHEWS and WAYNE A. DIXSON, individually and as parents and natural guardians of MATTHEW DIXSON, a minor, demand judgment for damages against the Defendant, DUDLEY G. BROWN, JR., M.D., together with costs and demand a trial by jury of all issues triable as of right by jury.

COUNT II
VICARIOUS LIABILITY OF TENET PHYSICIANS

Plaintiffs reallege and reaver paragraphs 1 through 20, inclusive, as if fully set forth herein, and would further state:

27. At all times material hereto, the Defendant, DR. BROWN, was an agent, apparent agent, representative, and/or employee of the Defendant, TENET PHYSICIANS, and at the time of the incident complained of herein, said Defendant was acting within the course and scope of his work for Defendant TENET PHYSICIANS.

28. At all times material hereto, the Defendant, TENET PHYSICIANS, is vicariously liable for any and all acts of negligence or departures from the prevailing professional standard

of care by its agents, apparent agents, employees, representatives, servants and/or physicians, including the Defendant, DR. BROWN.

29. At all times material hereto, the Defendant, TENET PHYSICIANS, by and through its agents, apparent agents, employees, representatives, servants and/or physicians, including the Defendant, DR. BROWN, agreed and undertook to examine, diagnose, treat and attend to the Plaintiff, CHARISSE Y. MATTHEWS, in the delivery of the Minor Plaintiff, MATTHEW DIXSON.

30. At all times material hereto, the Defendant, TENET PHYSICIANS, by and through its agents, apparent agents, employees, representatives, servants and/or physicians, including the Defendant, DR. BROWN, had a duty to exercise that degree of care and skill in examining, diagnosing, delivering, and treating the Plaintiff, CHARISSE Y. MATTHEWS, in the delivery of the Minor Plaintiff, MATTHEW DIXSON, commensurate with the prevailing professional standard of medical care.

31. At all times material hereto, the agents, apparent agents, employees, representatives, servants and/or physicians, including DR. BROWN, of the Defendant, TENET PHYSICIANS, were careless, negligent, and breached said duty as follows:

- a. By failing to evaluate the condition of the Plaintiff, CHARISSE Y. MATTHEWS, prenatally;
- b. By failing to monitor the position of the unborn infant, Plaintiff, MATTHEW DIXSON, prior to delivery;

- c. By failing to obtain a proper and complete medical history of the Plaintiff, CHARISSE Y. MATTHEWS;
- d. By using excessive lateral traction on the Plaintiff infant, MATTHEW DIXSON'S head to remove MATTHEW DIXSON vaginally;
- e. By failing to perform proper and adequate examinations of the Plaintiff, CHARISSE Y. MATTHEWS;
- f. By failing to monitor the labor and progress and/or failure to progress in labor of the Plaintiff, CHARISSE Y. MATTHEWS;
- g. By failing to perform all necessary and proper tests to determine whether or not the Plaintiff, CHARISSE Y. MATTHEWS, needed a cesarean section;
- h. By failing to monitor the position of the Plaintiff, MATTHEW DIXSON, prior to his delivery;
- i. By failing to monitor the vital signs of the Plaintiff, CHARISSE Y. MATTHEWS, during labor;
- j. By failing to monitor the vital signs of the Plaintiff, MATTHEW DIXSON, prior to his delivery;
- k. By failing to properly monitor the variability of the Plaintiff, MATTHEW DIXSON, prior to his delivery and birth;
- l. By failing to properly monitor the fetal assessment of the Plaintiff, MATTHEW DIXSON, prior to his delivery and birth;
- m. By failing to properly monitor the uterine assessment of the Plaintiff, CHARISSE Y. MATTHEWS, prior to the delivery and birth of the Plaintiff, MATTHEW DIXSON;
- n. By failing to properly remove the Plaintiff, MATTHEW DIXSON, such that at the time of the delivery he did not suffer a shoulder injury/brachial plexus injury;

- o. By failing to perform all proper delivery maneuvers when it became apparent that there was a shoulder dystocia;
- p. By allowing fundal pressure to be utilized at the time of the delivery;
- q. By failing to properly supervise and monitor the nurses at the time of the delivery;
- r. By failing to properly read the fetal monitoring strips and render all necessary care relative to the monitoring strips; and
- s. By failing to timely and appropriately manage the care and treatment of CHARISSE Y. MATTHEWS and her unborn child under the circumstances.

32. At all times material hereto, the aforesaid acts or omissions on the part of the agents, apparent agents, employees, representatives, servants and/or physicians, including the Defendant, DR. BROWN, of the Defendant, TENET PHYSICIANS, fell below the standard of care of its agents, apparent agents, employees, representatives, servants and/or physicians, including the Defendant, DR. BROWN, required by their training, experience and the prevailing professional standard of care.

33. As a direct, proximate and foreseeable result of the negligence of the agents, apparent agents, employees, representatives, servants and/or physicians, including the Defendant, DR. BROWN, of Defendant, TENET PHYSICIANS, the Minor Plaintiff, MATTHEW DIXSON, was injured in and about his body and/or aggravated a pre-existing condition or injury, suffered pain therefrom, including mental pain and suffering; has suffered

psychological and emotional damages; has suffered physical handicap, scarring, disfigurement; has sustained permanent injury; has suffered loss of bodily function; has required hospitalization, surgery and extensive medical treatment; has incurred medical and related expenses in the treatment of those injuries, has suffered future loss of income and his future working ability has been impaired; and has lost the capacity for the enjoyment of life.

34. In that the injuries suffered by the Minor Plaintiff, MATTHEW DIXSON, are continuing in nature, said Minor Plaintiff will continue to suffer pain and emotional damages, physical handicap, and loss of bodily function, scarring, disfigurement, and permanent injury in the future; will require additional medical care and treatment; will be further compelled to expend great sums of money for medical care and treatment for those injuries; will continue to suffer the loss of wages and earning capacity; and will continue to suffer the loss of the capacity for the enjoyment of life.

WHEREFORE, Plaintiffs CHARISSE Y. MATTHEWS and WAYNE A. DIXSON, individually and as parents and natural guardians of MATTHEW DIXSON, a minor, demand judgment for damages against the Defendant, TENET FLORIDA PHYSICIANS SERVICES, LLC, together with costs and demands trial by jury of all issues triable as of right by jury.

COUNT III
NEGLIGENCE OF DR. LOPEZ

Plaintiffs reallege and reaver Paragraphs 1 through 20, inclusive, as if fully set forth herein and would further state:

35. At all times material hereto, the Defendant, DR. LOPEZ, agreed and undertook to examine, diagnose, treat and attend the Plaintiff, CHARISSE Y. MATTHEWS, in the delivery of the Minor Plaintiff, MATTHEW DIXSON.

36. At all times material hereto, the Defendant, DR. LOPEZ, had a duty to exercise that degree of care and skill in examining, diagnosing, and treating the Plaintiff, CHARISSE Y. MATTHEWS, in the delivery of the Minor Plaintiff, MATTHEW DIXSON, commensurate with the prevailing professional standard of care.

37. The Defendant, DR. LOPEZ, was careless, negligent, and breached said duty as follows:

- a. By failing to evaluate the condition of the Plaintiff, CHARISSE Y. MATTHEWS, prenatally;
- b. By failing to obtain a proper and complete medical history of the Plaintiff, CHARISSE Y. MATTHEWS;
- c. By failing to perform proper and adequate examinations of the Plaintiff, CHARISSE Y. MATTHEWS;
- d. By failing to perform all necessary and proper tests to determine whether or not the Plaintiff, CHARISSE Y. MATTHEWS, needed a cesarean section;
- e. By failing to ever examine the Plaintiff, CHARISSE Y. MATTHEWS;

- f. By allowing your medical staff, who were not physicians, to render all care and treatment to the Plaintiff, CHARISSE Y. MATTHEWS;
- g. By failing to follow the recommendations of the perinatologists;
- h. By failing to recognize that the Plaintiff, CHARISSE Y. MATTHEWS, was a diabetic and render all care and treatment necessary to a pregnant diabetic;
- i. By failing to properly evaluate all of the medical records in your possession and render the proper care and treatment related thereto;
- j. By failing to take timely ultrasounds and/or sonograms;
- k. By failing the recognize the significant size of the unborn infant and recommend a cesarean section;
- l. By failing to recommend an earlier delivery of the infant, MATTHEW DIXSON, since the Plaintiff, CHARISSE Y. MATTHEWS, showed signs and symptoms of being a diabetic;
- m. By failing to properly document the medical records of Plaintiff CHARISSE Y. MATTHEWS;
- n. By failing to communicate with the Plaintiff, CHARISSE Y. MATTHEWS, during the entire prenatal period when she was under your care and treatment prior to her delivery on November 27, 2011;
- o. By failing to ever lay hands on the Plaintiff, CHARISSE Y. MATTHEWS, during the entire prenatal period when she was under your care and treatment prior to her delivery on November 27, 2011;
- p. By failing to ever perform a physical examination on the Plaintiff, CHARISSE Y. MATTHEWS, during the entire prenatal period when she was under your care and treatment prior to her delivery on November 27, 2011; and

- q. By failing to timely and appropriately manage the care and treatment of CHARISSE Y. MATTHEWS and her unborn child under the circumstances.

38. At all times material hereto, the aforesaid acts or omissions on the part of the Defendant, DR. LOPEZ, fell below the standard of care required of him by his training, experience and the prevailing professional standard of care.

39. As a direct, proximate and foreseeable result of the negligence of the Defendant, DR. LOPEZ, the Minor Plaintiff, MATTHEW DIXSON, was injured in and about his body and/or aggravated a pre-existing condition or injury, suffered pain therefrom, including mental pain and suffering; has suffered psychological and emotional damages; has suffered physical handicap, scarring, disfigurement; has sustained permanent injury; has suffered loss of bodily function; has incurred medical and related expenses in the treatment of those injuries, his working ability has been impaired for the future; and has lost the capacity for the enjoyment of life.

40. In that the injuries suffered by the Minor Plaintiff, MATTHEW DIXSON, are continuing in nature, he will continue to suffer pain and emotional damages, physical handicap, and loss of bodily function, scarring, disfigurement, and permanent injury in the future; will be further compelled to expend great sums of money for medical care and treatment for those injuries; will suffer the

loss of wages and earning capacity in the future; and will continue to suffer the loss of the capacity for the enjoyment of life.

WHEREFORE, Plaintiffs CHARISSE Y. MATTHEWS and WAYNE A. DIXSON, individually and as parents and natural guardians of MATTHEW DIXSON, a minor, demand judgment for damages against the Defendant, BERTO LOPEZ, M.D., together with costs and demand a trial by jury of all issues triable as of right by jury.

COUNT V
VICARIOUS LIABILITY OF LOPEZ P.A.

Plaintiffs reallege and reaver paragraphs 1 through 20, inclusive, as if fully set forth herein, and would further state:

41. At all times material hereto, the Defendant, DR. LOPEZ, was an agent, apparent agent, representative, and/or employee of the Defendant, LOPEZ P.A., and at the time of the incident complained of herein, said Defendant was acting within the course and scope of his work for Defendant, LOPEZ P.A.

42. At all times material hereto, the Defendant, LOPEZ P.A., is vicariously liable for any and all acts of negligence or departures from the prevailing professional standard of care by its agents, apparent agents, employees, representatives, servants and/or physicians, including the Defendant, DR. LOPEZ.

43. At all times material hereto, the Defendant, LOPEZ P.A., by and through its agents, apparent agents, employees, representatives, servants and/or physicians, including the

Defendant, DR. LOPEZ, agreed and undertook to examine, diagnose, treat and attend to the Plaintiff, CHARISSE Y. MATTHEWS.

44. At all times material hereto, the Defendant, LOPEZ P.A., by and through its agents, apparent agents, employees, representatives, servants and/or physicians, including the Defendant, DR. LOPEZ, had a duty to exercise that degree of care and skill in examining, diagnosing, and treating the Plaintiff, CHARISSE Y. MATTHEWS, commensurate with the prevailing professional standard of medical care.

45. At all times material hereto, the agents, apparent agents, employees, representatives, servants and/or physicians, including DR. LOPEZ, of the Defendant, LOPEZ P.A., were careless, negligent, and breached said duty as follows:

- a. By failing to evaluate the condition of the Plaintiff, CHARISSE Y. MATTHEWS, prenatally;
- b. By failing to obtain a proper and complete medical history of the Plaintiff, CHARISSE Y. MATTHEWS;
- c. By failing to perform proper and adequate examinations of the Plaintiff, CHARISSE Y. MATTHEWS;
- d. By failing to perform all necessary and proper tests to determine whether or not the Plaintiff, CHARISSE Y. MATTHEWS, needed a cesarean section;
- e. By failing to ever examine the Plaintiff, CHARISSE Y. MATTHEWS;
- f. By allowing your medical staff, who were not physicians, to render all care and treatment to the Plaintiff, CHARISSE Y. MATTHEWS;

- g. By failing to follow the recommendations of the perinatologists;
- h. By failing to recognize that the Plaintiff, CHARISSE Y. MATTHEWS, was a diabetic and render all care and treatment necessary to a pregnant diabetic;
- i. By failing to properly evaluate all of the medical records in your possession and render the proper care and treatment related thereto;
- j. By failing to take timely ultrasounds and/or sonograms;
- k. By failing the recognize the significant size of the unborn infant and recommend a cesarean section;
- l. By failing to recommend an earlier delivery of the infant, MATTHEW DIXSON, since the Plaintiff, CHARISSE Y. MATTHEWS, showed signs and symptoms of being a diabetic;
- m. By failing to properly document the medical records of Plaintiff CHARISSE Y. MATTHEWS;
- n. By failing to communicate with the Plaintiff, CHARISSE Y. MATTHEWS, during the entire prenatal period when she was under your care and treatment prior to her delivery on November 27, 2011;
- o. By failing to ever lay hands on the Plaintiff, CHARISSE Y. MATTHEWS, during the entire prenatal period when she was under your care and treatment prior to her delivery on November 27, 2011;
- p. By failing to ever perform a physical examination on the Plaintiff, CHARISSE Y. MATTHEWS, during the entire prenatal period when she was under your care and treatment prior to her delivery on November 27, 2011; and
- q. By failing to timely and appropriately manage the care and treatment of CHARISSE Y. MATTHEWS and her unborn child under the circumstances.

46. At all times material hereto, the aforesaid acts or omissions on the part of the agents, apparent agents, employees, representatives, servants and/or physicians, including the Defendant, DR. LOPEZ, of the Defendant, LOPEZ, P.A., fell below the standard of care of its agents, apparent agents, employees, representatives, servants and/or physicians, including the Defendant, DR. LOPEZ, required by their training, experience and the prevailing professional standard of care.

47. As a direct, proximate and foreseeable result of the negligence of the agents, apparent agents, employees, representatives, servants and/or physicians, including the Defendant, DR. LOPEZ, of Defendant, LOPEZ P.A., the Minor Plaintiff, MATTHEW DIXSON, was injured in and about his body and/or aggravated a pre-existing condition or injury, suffered pain therefrom, including mental pain and suffering; has suffered psychological and emotional damages; has suffered physical handicap, scarring, disfigurement; has sustained permanent injury; has suffered loss of bodily function; has required hospitalization, surgery and extensive medical treatment; has incurred medical and related expenses in the treatment of those injuries, has suffered future loss of income and his future working ability has been impaired; and has lost the capacity for the enjoyment of life.

48. In that the injuries suffered by the Minor Plaintiff, MATTHEW DIXSON, are continuing in nature, said Minor Plaintiff will

continue to suffer pain and emotional damages, physical handicap, and loss of bodily function, scarring, disfigurement, and permanent injury in the future; will require additional medical care and treatment; will be further compelled to expend great sums of money for medical care and treatment for those injuries; will continue to suffer the loss of wages and earning capacity; and will continue to suffer the loss of the capacity for the enjoyment of life.

WHEREFORE, Plaintiffs CHARISSE Y. MATTHEWS and WAYNE A. DIXSON, individually and as parents and natural guardians of MATTHEW DIXSON, a minor, demand judgment for damages against the Defendant, BERTO LOPEZ, M.D., P.A., together with costs and demands trial by jury of all issues triable as of right by jury.

COUNT V
NEGLIGENCE OF GOOD SAMARITAN

Plaintiffs reallege and reaver paragraphs 1 through 20, inclusive, as if fully set forth herein, and would further state:

49. At all times material hereto, the Defendant, GOOD SAMARITAN, is vicariously responsible for any of the agents, apparent agents, representatives, employees, nurses, doctors, and/or health care professionals who rendered care and treatment to the Plaintiff, CHARISSE Y. MATTHEWS, which resulted in the injuries to the Minor Plaintiff, MATTHEW DIXSON, at the time of the alleged incident.

50. At all times material hereto, the Defendant, GOOD SAMARITAN, is vicariously liable for any and all acts of negligence

or departures from the prevailing professional standard of care by its agents, apparent agents, employees, representatives, servants, nurses and/or physicians, including Melody Hackett, R.N., and DR. BROWN.

51. At all times material hereto, the Defendant, GOOD SAMARITAN, by and through its agents, apparent agents, employees, representatives, servants, nurses and/or physicians, including Melody Hackett, R.N., and DR. BROWN, agreed and undertook to examine, diagnose, treat, and attend to the Plaintiff, CHARISSE Y. MATTHEWS, in the delivery of the Minor Plaintiff, MATTHEW DIXSON.

52. At all times material hereto, the Defendant, GOOD SAMARITAN, by and through its agents, apparent agents, employees, representatives, servants, nurses and/or physicians, including Melody Hackett, R.N., and DR. BROWN, had a duty to exercise that degree of care and skill in examining, diagnosing, attending to, delivering, and treating the Plaintiff, CHARISSE Y. MATTHEWS, in the delivery of the Minor Plaintiff, MATTHEW DIXSON, commensurate with the prevailing professional standard of medical care.

53. At all times material hereto, the agents, apparent agents, employees, representatives, servants, nurses and/or physicians, including Melody Hackett, R.N., and DR. BROWN of the Defendant, GOOD SAMARITAN, were careless, negligent, and breached said duty as follows:

- a. By failing to evaluate the condition of the Plaintiff, CHARISSE Y. MATTHEWS, prenatally;

- b. By failing to monitor the position of the unborn infant, Plaintiff, MATTHEW DIXSON, prior to delivery;
- c. By failing to obtain a proper and complete medical history of the Plaintiff, CHARISSE Y. MATTHEWS;
- d. By using excessive lateral traction on the Plaintiff infant, MATTHEW DIXSON's head to remove MATTHEW DIXSON vaginally;
- e. By failing to perform proper and adequate examinations of the Plaintiff, CHARISSE Y. MATTHEWS;
- f. By failing to monitor the labor and progress and/or failure to progress in labor of the Plaintiff, CHARISSE Y. MATTHEWS;
- g. By failing to perform all necessary and proper tests to determine whether or not the Plaintiff, CHARISSE Y. MATTHEWS, needed a cesarean section;
- h. By failing to monitor the position of the Plaintiff, MATTHEW DIXSON, prior to his delivery;
- i. By failing to monitor the vital signs of the Plaintiff, CHARISSE Y. MATTHEWS, during labor;
- j. By failing to monitor the vital signs of the Plaintiff, MATTHEW DIXSON, prior to his delivery;
- k. By failing to properly monitor the variability of the Plaintiff, MATTHEW DIXSON, prior to his delivery and birth;
- l. By failing to properly monitor the fetal assessment of the Plaintiff, MATTHEW DIXSON, prior to his delivery and birth;
- m. By failing to properly monitor the uterine assessment of the Plaintiff, CHARISSE Y. MATTHEWS, prior to the delivery and birth of the Plaintiff, MATTHEW DIXSON;
- n. By failing to properly remove the Plaintiff, MATTHEW DIXSON, such that at the time of the

delivery he did not suffer a shoulder injury/brachial plexus injury;

- o. By failing to perform all proper delivery maneuvers when it became apparent that there was a shoulder dystocia;
- p. By allowing fundal pressure to be utilized at the time of the delivery;
- q. By failing to properly supervise and monitor the nurses at the time of the delivery;
- r. By failing to properly read the fetal monitoring strips and render all necessary care relative to the monitoring strips;
- p. By allowing Melody Hackett, R.N., to apply fundal pressure during the delivery of MATTHEW DIXSON;
- q. By Melody Hackett, R.N., applying fundal pressure during the delivery of MATTHEW DIXSON;
- r. By failing to properly supervise and monitor the nurses at the time of the delivery;
- s. By failing to properly document the medical records; and
- t. By failing to timely and appropriately manage the care and treatment of CHARISSE Y. MATTHEWS and her unborn child under the circumstances.

54. At all times material hereto, the aforesaid acts or omissions on the part of the agents, apparent agents, employees, representatives, servants, nurses and/or physicians, including Melody Hackett, R.N., and DR. BROWN, of the Defendant, GOOD SAMARITAN, fell below the standard of care of its agents, apparent agents, employees, representatives, servants, nurses and/or physicians, including Melody Hackett, R.N., and DR. BROWN, required

by their training, experience and the prevailing professional standard of care.

55. As a direct, proximate and foreseeable result of the negligence of the agents, apparent agents, employees, representatives, servants, nurses and/or physicians, including Melody Hackett, R.N., and DR. BROWN, of Defendant, GOOD SAMARITAN, the Minor Plaintiff, MATTHEW DIXSON, was injured in and about his body and/or aggravated a pre-existing condition or injury, suffered pain therefrom, including mental pain and suffering; has suffered psychological and emotional damages; has suffered physical handicap, scarring, disfigurement; has sustained permanent injury; has suffered loss of bodily function; has required hospitalization, surgery and extensive medical treatment; has incurred medical and related expenses in the treatment of those injuries, has suffered future loss of income and his future working ability has been impaired; and has lost the capacity for the enjoyment of life.

56. In that the injuries suffered by the Minor Plaintiff, MATTHEW DIXSON, are continuing in nature, said Minor Plaintiff will continue to suffer pain and emotional damages, physical handicap, and loss of bodily function, scarring, disfigurement, and permanent injury in the future; will require additional medical care and treatment; will be further compelled to expend great sums of money for medical care and treatment for those injuries; will continue to

suffer the loss of wages and earning capacity; and will continue to suffer the loss of the capacity for the enjoyment of life.

WHEREFORE, Plaintiffs CHARISSE Y. MATTHEWS and WAYNE A. DIXSON, individually and as parents and natural guardians of MATTHEW DIXSON, a minor, demand judgment for damages against the Defendant, TENET GOOD SAMARITAN, INC. d/b/a GOOD SAMARITAN MEDICAL CENTER, together with costs and demands trial by jury of all issues triable as of right by jury.

COUNT VI
DERIVATIVE CLAIM OF PLAINTIFFS
CHARISSE Y. MATTHEWS AND WAYNE A. DIXSON

Plaintiffs reallege and reaver Paragraphs 1 through 20, inclusive, as if fully set forth herein and would further state:

57. At all times material hereto, the Plaintiffs, CHARISSE Y. MATTHEWS and WAYNE A. DIXSON, were and are the lawful parents of the Minor Plaintiff, MATTHEW DIXSON.

58. As a direct and proximate result of the negligence of the Defendants, DR. LOPEZ, LOPEZ P.A., DR. BROWN, TENET PHYSICIANS and GOOD SAMARITAN, the Plaintiffs, CHARISSE Y. MATTHEWS and WAYNE A. DIXSON, have suffered and will continue to suffer the loss of the services, companionship, society, love, affection and solace, in the past and in the future, of their son, MATTHEW DIXSON; the loss of earnings and earning ability of their child, MATTHEW DIXSON, in the past and in the future; the expense of hospitalization, medical, nursing care and treatment, in the past and future for

their child, MATTHEW DIXSON; and the financial loss and loss of ability to earn money in the past and in the future, resulting from the need to care for the minor Plaintiff, MATTHEW DIXSON.

WHEREFORE, Plaintiffs CHARISSE Y. MATTHEWS and WAYNE A. DIXSON demand judgment for damages against the Defendants, DUDLEY G. BROWN, JR., M.D.; TENET FLORIDA PHYSICIANS SERVICES, L.L.C.; BERTO LOPEZ, M.D.; BERTO LOPEZ, M.D., P.A.; and TENET GOOD SAMARITAN, INC. d/b/a GOOD SAMARITAN MEDICAL CENTER, together with costs and demand trial by jury of all issues triable as of right by jury.

CERTIFICATION OF ATTORNEY
UNDER FLORIDA STATUTE § 768.495 RENUMBERED AS 766.104(1)

The undersigned attorney does hereby certify that a reasonable investigation as permitted by the circumstances has been conducted. Said investigation has given rise to the good faith belief that grounds exist for an action against each of the named Defendants.

LOREEN I. KREIZINGER, P.A.
Attorney for Plaintiffs
2601 E Oakland Park Boulevard, #300
Fort Lauderdale, FL 33306
(954) 766-8875
(954) 728-3485
Email: Kreizingerlaw@aol.com

By 

LOREEN I. KREIZINGER
FLA. BAR NO. 855588

#107373

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA**

Case No: 502013CA016460XXXXMB

In Re: CHARISSE Y MATTHEWS
WAYNE A DIXSON
CHARISSE Y MATTHEWS
WAYNE DIXSON

**COPY
RECEIVED FOR FILING
NOV 05 2013
SHARON H. BOCK
CLERK & COMPTROLLER
CIRCUIT COURT DIVISION**

**NINETY DAY EXTENSION OF THE STATUTE OF LIMITATIONS
PURSUANT TO F.S. 766.104**

I, Sharon R. Bock, Clerk & Comptroller, Palm Beach County, hereby acknowledge that a
Petition pursuant to F.S. 766.104 has been received in the above referenced action.

An automatic 90-day extension of the statute of limitations, to allow for the reasonable investigation
required by F.S. 766.104(1), is hereby given in the above entitled cause.

DATED: 05-NOV-2013

Sharon R. Bock
Clerk & Comptroller

By: KRISTIN BUTLER
As Deputy Clerk

EXHIBIT "A"

IN THE CIRCUIT COURT OF THE
15th JUDICIAL CIRCUIT, IN AND FOR
PALM BEACH COUNTY, FLORIDA

CASE NO.: 2014CA002034 (AA)

CHARISSE Y. MATTHEWS and WAYNE
A. DIXSON, individually and as Parents
and Natural Guardians of MATTHEW
DIXSON, a minor,

Plaintiffs,

vs.

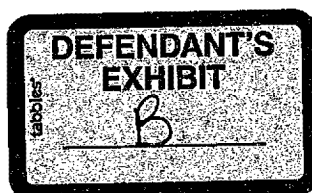
DUDLEY G. BROWN, JR., M.D.;
TENET FLORIDA PHYSICIANS SERVICES,
LLC; BERTO LOPEZ, M.D.; BERTO LOPEZ,
M.D., P.A.; and TENET GOOD SAMARITAN
INC. d/b/a GOOD SAMARITAN MEDICAL
CENTER,

Defendants.

**NOTICE OF SERVICE OF ANSWERS TO DEFENDANTS',
DUDLEY G. BROWN, JR., M.D. and TENET FLORIDA PHYSICIANS SERVICES,
LLC, MEDICAL MALPRACTICE INTERROGATORIES TO PLAINTIFFS**

COME NOW the Plaintiffs, CHARISSE Y. MATTHEWS and WAYNE A. DIXSON, Individually, and as Parents and Natural Guardians of MATTHEW DIXSON, a minor, by and through the undersigned attorneys, and hereby file this Notice of Service of Answers to Defendants' DUDLEY G. BROWN, JR., M.D., and TENET FLORIDA PHYSICIANS SERVICES, LLC, Medical Malpractice Interrogatories propounded to the Plaintiffs on March 26, 2014.

I HEREBY CERTIFY that a true copy of the foregoing was served by email via Florida Courts e-Filing Portal this 9th day of June, 2014, to A. Candace Marcus, Esquire,



at jcspleadings@mscesq.com and cmarcus@mscesq.com, *Attorney for Defendant GSMC*, McIntosh, Sawran & Cartaya, P.A., 1601 Forum Place, Suite 602, West Palm Beach, FL, 33401-8106; **Manuel R. Comras, Esquire**, at wpb-pleadings@bclmr.com, *Attorney for Defendants Dudley G. Brown, Jr., M.D. and Tenet Florida Physician Services, LLC*, Billing, Cochran, Lyles, Mauro & Ramsey, P.A., 1601 Forum Place, Suite 400, West Palm Beach, FL, 33401; and to **Ariel D. Widlansky, Esquire**, at ariel@lubellrosen.com and candy@lubellrosen.com, *Attorney for Defendants Berto Lopez, M.D., and Berto Lopez, M.D., P.A.*, Museum Plaza, Suite 900, 200 South Andrews Avenue, Fort Lauderdale, FL, 33301.

LOREEN I. KREIZINGER, P.A.
Attorneys for Plaintiffs
110 Tower - 20th Floor
110 SE Sixth Street
Fort Lauderdale, FL 33301
(954) 766-8875
(954) 728-3485 Fax
Email: Kreizingerlaw@aol.com

By 

LOREEN I. KREIZINGER
FBN: 855588

**ANSWERS TO DEFENDANTS', DUDLEY G. BROWN, JR., M.D.
AND TENET FLORIDA PHYSICIANS SERVICES, LLC,
MEDICAL MALPRACTICE INTERROGATORIES**

1. Please state your name, age, place of birth, date of birth, residence address indicating how long you have resided at that address, residence address for the past five (5) years indicating the dates you lived at such addresses, present business address and Social Security number.

**Charisse Yevette Matthews
P. O. Box 18094
West Palm Beach, FL 33416**

**Mother and Natural Guardian of
Matthew Dixon, a minor**

**DOB:
SS#:**

**715 Bradley Street
West Palm Beach, FL 33405**

July, 2013 - February, 2014

**927 Pipers Cay Dr.
West Pam Beach, FL 33405**

July, 2012 - July, 2013

**1979 Marsh Harbor Dr.
Riviera Beach, FL 33404**

July, 2011 - July, 2012

**2990 S. Power Rd. Apt. 1121
Mesa, AZ 85212**

July, 2010 - July, 2011

**6261 N.W. 14th Ct.
Sunrise, FL 33313**

July, 2008 - July, 2010

As to Matthew Dixon

**DOB:
SS#:**

**715 Bradley Street
West Palm Beach, FL 33405**

July, 2013 - February, 2014

**927 Pipers Cay Dr.
West Pam Beach, FL 33405**

July, 2012 - July, 2013

1979 Marsh Harbor Dr.

July, 2011 - July, 2012

Riviera Beach, FL 33404

2. State the full name and address of your spouse; the names and present addresses of any former spouse indicating the date and circumstances of the termination of marriage; the names, ages and present addresses of any children indicating whether such children are natural children or adopted.

I am not currently married.

I was married to Pedro Valdes and Gregory Mignott.

Marriages terminated because of mutual irreconcilable differences.

Charisse Matthews' children:

Kimberly Johnson

Narayana Valdes

Mohini Valdes

Krishnan Valdes

Matthew Dixson

3. As to Matthew Dixson, a minor, list each physician, chiropractor, podiatrist, psychologist, psychiatrist, psychotherapist, and/or any other health care provider who has treated him, and each hospital, clinic or other medical and/or mental health facility where he has received any treatment during the past three (3) years, giving the dates that the treatment was received; a detailed statement of the surgery or treatment; a detailed statement of the symptoms which resulted in the surgery or treatment; and a detailed statement of the results of the surgery or treatment.

Known at this time, to the best of my recollection, it includes, but is not limited to, the following:

Health Care Provider	Care Provided	DOS
Bret Baynham, MD 2055 Military Trail, Suite 200 Jupiter, FL 33458	Treated & casted fractured right humerus	11/29/11 2/16/12
Sundar Chandrasekhar, MD Associates in Pediatric Cardiology 5325 Greenwood Ave., Suite 302 West Palm Beach, FL 33407	Pediatric Cardiologist – evaluate heart irregularities	2/8/12
Good Samaritan Medical Center 1300 N. Flagler Drive West Palm Beach, FL 33402	Birth and subsequent care	11/27/11

John A. I. Grossman, MD 8940 N. Kendall Drive Suite 904E Miami, FL 33176	Brachial plexus injury & Surgery	5/24/12 - present
Matthew Jeffers, MD 9970 Central Park Blvd. N. Suite 301 Boca Raton, FL 33428	Evaluation for right arm deformity following humerus fracture & casting	5/1/12
Janis A. Jones, MD Children's Care Center 5205 Greenwood Avenue West Palm Beach, FL 33407	Pediatrician	6/20/12 - present
Berto Lopez, MD 10887 N. Military Trail, Suite 2 Palm Beach Gardens, FL 33410	Performed circumcision	12/16/11
Raphael Lopez, MD Palm Beach Urology 3347 State Road 7 Wellington, FL 33449	Urologist - complications from circumcision	5/12/12
Laszlo Mate, MD 824 U.S. Highway 1 Suite 230 N. Palm Beach, FL 33408	Pediatric Neurology - consultation	1/24/12
Miami Children's Hospital 3100 SW 62 nd Avenue Miami, FL 33155	OT Evaluation US Head/Neck Occupational Therapy Occupational Therapy Occupational Therapy Surgery Occupational Therapy Cast Removal Occupational Therapy	6/21-6/22/12 7/5-7/6/12 8/14/12 11/13/12 12/6/12 12/10-12/13/12 12/20/12 1/7-1/8/13 1/11/13
Andrew Price, MD 8940 N. Kendall Drive Suite 904 E Miami, FL 33176	Performed subscapular slide and botox injection	11/13-12/10/12
Peter Romano, MD Scoliosis and Pediatric Orthopaedic Center 4101 S. Hospital Drive, Suite 5 Plantation, FL 33317	Evaluation of right arm & shoulder	6/14/12

St. Mary's Medical Center 901 45th Street West Palm Beach, FL 33407	Provided hospital care following birth	11/27/11- 12/1/11
St. Mary's Medical Center (same as above)	Outpatient Occupational Therapy	12/5/11- 11/12/12
St. Mary's Medical Center (same as above)	MRI of left brachial plexus	2/13/12

4. As to Matthew Dixon, a minor, state the names and addresses and specialties of all medical physicians, chiropractors, podiatrists, psychologists, psychiatrists, psychotherapist and/or health care providers who are currently caring for him specifying the treatment being received from each such health care provider; the date of last treatment by each such health care provider; and the dates of any scheduled appointments for examination and/or treatment.

See answer to Interrogatory # 3.

5. As to Matthew Dixon, a minor, describe each injury for which you are claiming damages in this case specifying the part of his body that was injured; the nature and extent of the injury, the date it was allegedly caused; and a description of how it was allegedly caused.

Known at this time, and to the best of my knowledge, the injuries include, but are not limited to the following:

- a) **Right humerus fracture;**
- b) **Left brachial plexus injury;**
- c) **Underwent surgery for exploration and microsurgical neurolysis, left brachial plexus C5, C6, upper trunk including extensive dissection of suprascapular nerve, scalenectomy, resection of upper trunk neuroma and frozen section analysis, and release internal rotation contracture of shoulder and botulinum toxin injection;**
- d) **Left arm is shorter than the right arm;**
- e) **Left shoulder blade protrudes significantly out in comparison to the right;**
- f) **Left arm is held in a flexed position at side;**
- g) **Difficulty walking, running since Matthew leans to the left side and has a balance problem, which is typical of a permanent left brachial plexus injury;**
- h) **Physical and mental pain and suffering, both in the past and in**

- the future;
- i) Physical handicap;
- j) Scarring and disfigurement;
- k) Permanent injury;
- l) Loss of bodily function;
- m) Need for future surgeries and therapies;
- n) Impaired working ability in the future;
- o) Loss of the capacity for the enjoyment of life;
- p) Limited ability to perform specific future work functions due to injuries.

During my prenatal care and treatment, and the birth of my son, Matthew Dixon on 11/27/11, and all times material thereto, the agents, apparent agents, employees, representatives, servants, nurses and/or physicians of Tenet Florida Physicians Services, LLC, Good Samaritan Medical Center, including but not limited to Melody Hackett, R.N., and Dudley G. Brown, Jr., M.D., and Berto Lopez, M.D., P.A., including, but not limited to Berto Lopez, M.D., were careless, negligent, breached their duty, and fell below the accepted standard of care, which resulted in a serious and permanent brachial plexus injury to my child, Matthew Dixon.

6. As to Matthew Dixon, a minor, on what date did you become aware of each injury complained of in this case?

On or about 11/27/11.

7. Please describe in detail the manner in which you claim that the Defendant forwarding these interrogatories was negligent and departed from the accepted standard of care in their care and treatment of Matthew Dixon, a minor.

Objection, calls for expert opinion. See allegations in Complaint.

8. Please describe in detail exactly what you allege that the Defendant forwarding these interrogatories should have done in the carrying out of their care and treatment in order for them not to have been negligent.

See Answer to Interrogatory # 7.

9. List each item of expense that you claim to have incurred as a result of the injury sued on in this action, giving for each item the date incurred, to whom owed or paid, and the goods or services for which it was incurred.

Known at this time, to the best of my knowledge, the following:

Itemization of medical bills incurred by Matthew Dixson to date:

Healthcare Providers	Dates of Service	Bill Amount
Bret Baynham, MD	11/29/11-11/30/11	2,011.00
Children's Anesthesia Assoc.	12/10/11-12/11/11	190.00
Critical Care Newborn	2/13/12	4,780.00
Emergency Pediatric Services	12/5/11-12/7/11	1,801.00
John A. I. Grossman, MD	5/24/12-present	53,900.00
Ikon Professionals	12/10/12	12,785.20
Imaging Consultants of S. Fla.	11/27/11-11/29/11	205.00
Imaging Consultants of S. Fla.	12/7/11	33.00
Imaging Consultants of S. Fla.	12/20/11	28.00
Imaging Consultants of S. Fla.	1/17/12	28.00
Imaging Consultants of S. Fla.	2/13/12	216.00
Imaging Consultants of S. Fla.	2/16/12	28.00
Matthew Jeffers, MD	5/1/12	308.00
Laszlo Mate, MD	1/24/12	700.00
Miami Children's Hospital	6/21/12 - 6/22/12	640.00
Miami Children's Hospital	7/5/12 - 7/6/12	1,166.00
Miami Children's Hospital	12/10/12-12/13/12	76,034.60
Miami Children's Hospital	1/7/13 - 1/8/13	157.00
MCH Hospitalist	12/11/12-12/12/12	543.00
MCH Nicklaus Outpatient Ctr.	11/11/12-7/30/13	8,478.00
MCH Radiologists	7/5/12	160.00
Palm Beach Pathology	11/27/11	106.00
Andrew Price, MD	11/13/12-12/10/12	8,176.00
Peter Romano, MD	6/14/12	840.00
St. Mary's Medical Center	11/27/11- 12/1/11	21,142.77
St. Mary's Medical Center	12/5/11	952.82
St. Mary's Medical Center	12/7/11	1,380.47

St. Mary's Medical Center	12/12/11	627.06
St. Mary's Medical Center	12/20/11	338.03
St. Mary's Medical Center	12/22/11	446.52
St. Mary's Medical Center	12/29/11	297.68
St. Mary's Medical Center	1/5/12	297.68
St. Mary's Medical Center	1/6/12	297.68
St. Mary's Medical Center	1/12/12	446.52
St. Mary's Medical Center	1/13/12	297.68
St. Mary's Medical Center	1/17/12	338.03
St. Mary's Medical Center	1/19/12	297.68
St. Mary's Medical Center	1/20/12	297.68
St. Mary's Medical Center	1/26/12	446.52
St. Mary's Medical Center	1/27/12	297.68
St. Mary's Medical Center	2/2/12	446.52
St. Mary's Medical Center	2/3/12	297.68
St. Mary's Medical Center	2/9/12	446.52
St. Mary's Medical Center	2/10/12	297.68
St. Mary's Medical Center	2/13/12	5,080.14
St. Mary's Medical Center	2/16/12	635.71
St. Mary's Medical Center	2/17/12	297.68
St. Mary's Medical Center	2/23/12	297.68
St. Mary's Medical Center	3/1/12	446.52
St. Mary's Medical Center	3/7/12	297.68
St. Mary's Medical Center	3/16/12	297.68
St. Mary's Medical Center	3/22/12	434.77
St. Mary's Medical Center	3/30/12	297.68
St. Mary's Medical Center	4/5/12	815.67
St. Mary's Medical Center	4/6/12	297.68
St. Mary's Medical Center	4/12/12	446.52
St. Mary's Medical Center	4/13/12	297.68
St. Mary's Medical Center	4/19/12	297.68

St. Mary's Medical Center	4/27/12	297.68
St. Mary's Medical Center	5/3/12	297.68
St. Mary's Medical Center	5/4/12	446.52
St. Mary's Medical Center	11/12/12	1,278.27
TOTAL		\$ 2,155.62

10. Do you contend that you have lost any form of compensation as a result of the injury sued on in this action? If so, what is the amount lost, the period during which it was lost, the nature of the compensation and the method you used in computing the amount.

Yes. Amount undetermined at this time.

11. Have any benefits been paid or are any benefits payable for the expenses listed in your answers to interrogatories numbered 9 and 10 above? If so, which expenses have been paid or are payable, and by what insurance plan or entity?

**United Health Care
c/o Optum
12125 Technology Drive
MN002-0220
Eden Prairie, MN 55344**

**File No.: 21259742
Group No. SFL IPA, #FLA010004
Paid to Date: Awaiting Information**

**Molina Healthcare of FL
c/o John Lysz, Recovery Attorney
First Recovery Group
26899 Northwestern Highway
Suite 250
Southfield, MI 48033**

**File No: 311788-135812
Paid to Date: \$11,077.66**

12. Did anyone ever criticize any manner, method, action or activity used by the Defendants forwarding these interrogatories? If so, please state for each such criticism: the name, address, profession and relationship to you, if any, of the person(s) who made the criticism, the substance of the criticism, and the date(s) of the criticism.

Objection, overbroad.

13. Did any of the Defendants named in the Complaint prescribe medication for Matthew Dixon, a minor? If so, please identify the medication and/or medications prescribed and the name of the pharmacy where the medication(s) were filled.

Objection, overbroad. Without waiving said objection, the incident upon which the claim against Dr. Brown and Tenet Physicians is based took place on or about November 27, 2011 at Good Samaritan Medical Center when Matthew Dixson was born, so any and all medications prescribed to Matthew Dixson would be contained in the medical records.

14. Please identify each pharmacy(ies) and set forth the specific location of each pharmacy(ies) where you have had occasion to have a prescription filled for Matthew Dixson, a minor, within the last three (3) years.

To the best of my knowledge, the following:

**CVS Pharmacy
2077 North Military Trail
West Palm Beach, FL 33409
(561) 684-4626**

**CVS Pharmacy
3168 North Lake Boulevard
Palm Beach, FL 33403
(561) 840-4776**

15. Do you claim that the negligence of any other person, or entity, other than the Defendant forwarding these interrogatories contributed to the injury? If so, please identify each such person, stating his or her name, address, and the manner in which he or she contributed to cause the injury.

To the best of my knowledge at this time, the other Defendants named in the Complaint. See Complaint.

16. Please list the name and addresses of any and all of Charisse Y. Matthews and Wayne A. Dixson's employers for the last five (5) years and the nature of work performed for each employer, and any reason for leaving such employment.

As to Wayne A. Dixson

Objection. Not relevant, applicable, or reasonably calculated to lead to the discovery of admissible evidence, as he is not making a lost wage claim.

As to Charisse Y. Matthews

Digital Intelligence Systems	1/24/11-3/16/11	\$15.00 per hour
Title: Bank Ins. Processor		

Broward College	9/2004-12/2010	\$9.30 per hour
225 E. Las Olas Blvd.		
Fort Lauderdale, FL 33301		

Title: Government Assistant

17. Has any insurance carrier or provider of collateral source benefits or payments notified you of an intent to assert subrogation rights and/or seek reimbursement for claimed damages from any Defendant named in this litigation in accordance with Florida Statute 766.76(7) or otherwise? If so, please identify the name of the carrier/provider, the amount of any asserted lien, and the services for which the reimbursement is sought.

See Answer to Interrogatory # 11.

NOT A CERTIFIED COPY

Charisse Matthews
CHARISSE Y. MATTHEWS

STATE OF FLORIDA)

COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me, an officer duly authorized in the State and County aforesaid, to take acknowledgments, this 2nd day of May, 2014, by CHARISSE Y. MATTHEWS who:

☒ [X] is personally known to me; or

☐ [] who has produced a Florida Driver's License No. _____ as identification.

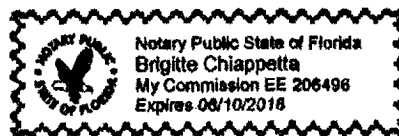
NOTARY PUBLIC:

Sign: Brigitte Chiappetta

Print: Brigitte Chiappetta

State of Florida at Large (Seal)

My Commission Expires:



IN THE CIRCUIT COURT OF THE
15th JUDICIAL CIRCUIT, IN AND FOR
PALM BEACH COUNTY, FLORIDA

CASE NO.: 2014CA002034 (AA)

CHARISSE Y. MATTHEWS and WAYNE
A. DIXSON, individually and as Parents
and Natural Guardians of MATTHEW
DIXSON, a minor,

Plaintiffs,

vs.

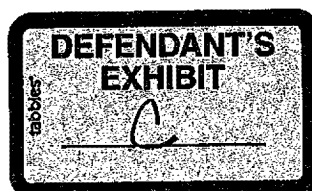
DUDLEY G. BROWN, JR., M.D.;
TENET FLORIDA PHYSICIANS SERVICES,
LLC; BERTO LOPEZ, M.D.; BERTO LOPEZ,
M.D., P.A.; and TENET GOOD SAMARITAN
INC. d/b/a GOOD SAMARITAN MEDICAL
CENTER,

Defendants.

**NOTICE OF SERVICE OF ANSWERS TO DEFENDANTS',
DUDLEY G. BROWN, JR., M.D. and TENET FLORIDA PHYSICIANS SERVICES,
LLC, UPDATED INTERROGATORIES TO MINOR PLAINTIFF**

COME NOW the Plaintiffs, CHARISSE Y. MATTHEWS and WAYNE A. DIXSON, Individually, and as Parents and Natural Guardians of MATTHEW DIXSON, a minor, by and through the undersigned attorneys, and hereby file this Notice of Service of Answers to Defendants' DUDLEY G. BROWN, JR., M.D., and TENET FLORIDA PHYSICIANS SERVICES, LLC, Updated Interrogatories to Minor Plaintiff propounded on October 24, 2014.

I HEREBY CERTIFY that a true copy of the foregoing was served by email via Florida Courts e-Filing Portal this 30th day of September, 2015, to to James C.



Sawran, Esquire, at jsawran@mscesq.com and jcspleadings@mscesq.com, and John C. Webber, Esquire, at <mailto:jmi@lubellrosen.com> jwebber@mscesq.com, Attorney for Defendant GSMC, McIntosh, Sawran & Cartaya, P.A., Post Office Box 7990, Fort Lauderdale, FL, 33338-7990; Manuel R. Comras, Esquire, at wpb-pleadings@bclmr.com, Attorney for Defendants Dudley G. Brown, Jr., M.D. and Tenet Florida Physician Services, LLC, Billing, Cochran, Lyles, Mauro & Ramsey, P.A., 1601 Forum Place, Suite 400, West Palm Beach, FL, 33401; and to Gordon Lea, Esquire at gl@lubellrosen.com, Attorney for Defendants Berto Lopez, M.D., and Berto Lopez, M.D., P.A., Museum Plaza, Suite 900, 200 South Andrews Avenue, Fort Lauderdale, FL, 33301.

LOREEN I. KREIZINGER, P.A.
Attorneys for Plaintiffs
110 Tower - 20th Floor
110 SE Sixth Street
Fort Lauderdale, FL 33301
(954) 766-8875
(954) 728-3485 Fax
Email: Kreizingerlaw@aol.com

By /s/ Loreen I. Kreizinger
LOREEN I. KREIZINGER
FBN: 855588

**ANSWERS TO DEFENDANTS', DUDLEY G. BROWN, JR., M.D.
AND TENET FLORIDA PHYSICIANS SERVICES, LLC,
UPDATED INTERROGATORIES TO MINOR PLAINTIFF**

1. State the full name, age and present address of the Minor Plaintiff, giving the street number, street, city and state.

**Matthew Dixon
2307 Avenue M
Fort Pierce, FL 34950**

2. Has the Minor Plaintiff at any time after the date of injury alleged in your Complaint sustained bodily injury of any kind by or through an accident of any type, kind or character, and if so, state the following with respect to each injury:

No.

(a) – (f)

N/A.

3. Set forth the name and address of all doctors who examined or treated the Minor Plaintiff for any causes or conditions since the date of Plaintiff's Answers to Defendant's Interrogatories to the present time:

Known at this time, to the best of my recollection, including, but not limited to the following:

**John A. I. Grossman, M.D.
8940 N. Kendall Drive
Suite 904E
Miami, FL 33176**

**Marjorie Webster, MD
4320 Forest Hill Boulevard
West Palm Beach, FL 33406**

**Peter J. Romano, II, MD
6370 N. State Road 7, Suite 100
Coconut Creek, FL 33073**

4. Set forth with respect to every doctor from whom the Minor Plaintiff has received medical care and treatment since the incident alleged in this case (as a result of the incident) and for unrelated treatment, the following:

(a) – (f)

See answer to Interrogatory No. 3, above.

5. Has anyone ever told you that the Minor Plaintiff has a permanent disability arising out of the injuries for which you bring suit in this action? If so:

Yes.

- (a) Please state the name and address of the person who gave you the information;

**John A. I. Grossman, M.D.
8940 N. Kendall Drive
Suite 904E
Miami, FL 33176**

- (b) If the above person was not a doctor, then state from whom he obtained this information;

N/A.

- (c) What is the appropriate permanent disability rating the Minor Plaintiff is supposed to have?

I don't recall Dr. Grossman ever discussing anything called a "rating," but he told us that our son's brachial plexus injury is permanent.

6. If the Minor Plaintiff has been hospitalized or institutionalized for any reason of the alleged incident in this case, list the names and addresses of all such hospitals, clinics or other medical institutions in which said Minor Plaintiff was a patient, stating the inclusive dates of each such hospitalization and the sums of money paid by you or owing to each for their service.

None, other than as previously disclosed in answers to interrogatories.

7. State whether or not the Minor Plaintiff has been hospitalized or received any medical care of attention for any reason whatsoever both before and after the

occurrence of the incident for reasons other than those caused by the occurrence of the alleged incident in this case.

Known at this time, to the best of my recollection, including, but not limited to the following:

Lawnwood Medical Center
1700 S. 23rd Street
Fort Pierce, FL 34950

2014 - Boil on buttocks – went to ER

Janis A. Jones, MD
5205 Greenwood Avenue
West Palm Beach, FL 33407

Various dates - Well child visits and sick child visits, immunizations

Marjorie Webster, MD
4320 Forest Hill Boulevard
West Palm Beach, FL 33406

Various dates – Well child visits and sick child visits, immunizations

Memorial Hospital West
703 N. Flamingo Road
Pembroke Pines, FL 33028

1/21/13 – ER visit - Immunization reaction

8. State whether or not the Minor Plaintiff is attending school and/or daycare. If the answer is in the affirmative, state:

No.

(a) – (d)

N/A.

9. What, if any, is the total of past medical expenses you claim has been paid as a result of the alleged negligence?

Known at this time, to the best of our knowledge, \$52,454.34.

- (a) For each health care provider you claim has been paid for past medical expenses as a result of the alleged negligence, identify each health care provider and their professional address, the total amount charged by that health care provider, the total amount paid to that health care provider, the source of those payments, and the total amount written-off by that health care provider.

Known at this time, to the best of our knowledge, including but not limited to the information contained on the attached Addendum Sheet.

10. What, if any is the total amount of past medical expenses you claim is owed by you personally as a result of the alleged negligence?

Known at this time, to the best of our knowledge, \$32,188.14.

In addition, United Health Care (Medicaid) has a claim for subrogation in the amount of \$41,042.36 to date, and Molina Healthcare of Florida has a claim for subrogation in the amount of \$11,411.98 to date.

- (a) For each health care provider you claim that you personally owe for past medical expenses as a result of the alleged negligence, identify each health care provider and their professional address, the total amount charged by that health care provider, the total amount paid to that health care provider, the source of those payments, and the total amount written-off by that health care provider, and the total amount that you personally owe to that health care provider.

See answer to interrogatory no. 9 (a) above.

**ADDENDUM TO ANSWER TO
INTERROGATORY NO. 9**

PROVIDER	AMOUNT BILLED	AMOUNT PAID	PAID BY	BALANCE
Bret Baynham, MD Palm Beach Orthopedic 11/29/11-11/30/11	2,011.00	325.13	Molina	225.00
Children's Anesthesia Associates, P.A. 12/10/11-12/11/11	190.00			190.00
12/10/12	2,800.00	504.63	UHC	
Critical Care Newborn aka Kidz Medical Serv. 2/13/12	4,780.00	294.05 56.90 4,542.85	Molina Molina Adj.	0.00
EMPI* 4/12/13	1,375.00	717.80	UHC	
Emergency Pediatric Services 12/5/11-12/7/11	1,801.00	106.93	Molina	0.00
John Grossman, MD 5/24/12-present	53,900.00	153.66 32,117.74	Molina(1st 2 visits) UHC	22,403.60
Ikon Professionals Herbert Valencia, RN 12/10/12	12,785.20	79.04		1,203.45
12/10/12	1,245.20	41.61	UHC	
12/10/12	3,940.00	37.29	UHC	
Imaging Consultants of S. FL 11/27/11-11/29/11	205.00	34.40	Molina	0.00
12/7/11	33.00	5.29		0.00
12/20/11	28.00	4.89		0.00
1/17/12	28.00	4.89		0.00
2/13/12	216.00	46.22		0.00
2/16/12	28.00	4.89		0.00
Matthew Jeffers, MD Tenet Florida Physicians 5/1/12	308.00	123.71 184.29	Molina Adj.	0.00
Janice Jones, MD* 11/12/12	125.00	62.69	UHC	
Andrea Maggioni, MD* 12/11/12	355.00	113.92	UHC	
Laszlo Mate, M.D. 1/24/12	700.00	249.43 450.57	Molina Adj.	0.00

PROVIDER	AMOUNT BILLED	AMOUNT PAID	PAID BY	BALANCE
Miami Children's Hospital				
6/21/12-6/22/12	640.00	205.81	Molina	0.00
		434.19	Adj.	
7/5/12-7/6/12	1,166.00	205.81	Molina	15.35
		944.84	Adj.	
12/10/12-12/13/12	76,034.60	2,621.50	UHC	0.00
		73,413.10	Adj.	
1/7/13-1/8/13	157.00	193.52	Medicaid	0.00
		36.52	Adj.	
MCH Hospitalist				
12/11/12-12/12/12	543.00	152.53	Medicaid	0.00
		390.47	Adj.	
MCH Nicklaus Outpatient Center				
1/11/12-7/30/13	8,478.00		UHC	8,478.00
MCH Pathologists				
	656.00	70.39	UHC	_____
MCH Radiologists				
7/5/12	160.00	58.76	Molina	_____
Palm Beach Pathology				
11/27/11	106.00	15.03	Molina	_____
Andrew Price, MD Pediatric Orthopedic Serv.				
11/13/12-12/10/12	8,176.00	584.19	UHC	250.00
12/10/12	7,826.00	4,695.60	UHC	_____
Peter Romano, MD Scoliosis & Pediatric Ortho				
6/14/12	840.00	390.41	Molina	0.00
		449.59	Adj.	
St. Mary's Medical Center				
11/27/11-12/1/11	21,142.77	4,580.79	Molina	0.00
		16,561.98	Adj.	
12/5/11 (ER)	952.82	196.22	Molina	0.00
		756.60	Adj.	
12/7/11 (ER)	1,380.47	294.33	Molina	0.00
		1,086.14	Adj.	
12/12/11 (OT)	627.06	98.11	Molina	0.00
		528.95	Adj.	
12/20/11	338.03	98.11	Molina	0.00
		239.92	Adj.	
12/22/11 (OT)	446.52	98.11	Molina	0.00
		348.41	Adj.	
12/29/11 (OT)	297.68	98.11	Molina	0.00
		199.57	Adj.	
1/5/12 (OT)	297.68	98.11	Molina	0.00
		199.57	Adj.	
1/6/12 (OT)	297.68	98.11	Molina	0.00
		199.57	Adj.	
1/12/12 (OT)	446.52	98.11	Molina	0.00
		348.41	Adj.	

PROVIDER	AMOUNT BILLED	AMOUNT PAID	PAID BY	BALANCE
1/13/12 (OT)	297.68	98.11	Molina	0.00
		199.57	Adj.	
1/17/12	338.03	98.11	Molina	0.00
		239.92	Adj.	
1/19/12 (OT)	297.68	98.11	Molina	0.00
		199.57	Adj.	
1/20/12 (OT)	297.68	98.11	Molina	0.00
		199.57	Adj.	
1/26/12 (OT)	446.52	98.11	Molina	0.00
		348.41	Adj.	
1/27/12 (OT)	297.68	98.11	Molina	0.00
		199.57	Adj.	
2/2/12 (OT)	446.52	98.11	Molina	0.00
		348.41	Adj.	
2/3/12 (OT)	297.68	98.11	Molina	0.00
		199.57	Adj.	
2/9/12 (OT)	446.52	98.11	Molina	0.00
		348.41	Adj.	
2/10/12 (OT)	297.68	98.11	Molina	0.00
		199.57	Adj.	
2/13/12 MRI	5,080.14	196.22	Molina	0.00
		4,883.92	Adj.	
2/16/12 (OT)	635.71	196.22	Molina	0.00
		439.49	Adj.	
2/17/12 (OT)	297.68	98.11	Molina	0.00
		199.57	Adj.	
2/23/12 (OT)	297.68	98.11	Molina	0.00
		199.57	Adj.	
3/1/12 (OT)	446.52	98.11	Molina	0.00
		348.41	Adj.	
3/7/12 (OT)	297.68	98.11	Molina	0.00
		199.57	Adj.	
3/16/12 (OT)	297.68	98.11	Molina	0.00
		199.57	Adj.	
3/22/12 (OT)	434.77	98.11	Molina	0.00
		336.66	Adj.	
3/30/12 (OT)	297.68	98.11	Molina	0.00
		199.57	Adj.	
4/5/12 (PT)	815.67	98.11	Molina	0.00
		717.56	Adj.	
4/6/12 (OT)	297.68	98.11	Molina	0.00
		199.57	Adj.	
4/12/12 (OT)	446.52	98.11	Molina	0.00
		348.41	Adj.	
4/13/12 (OT)	297.68	98.11	Molina	0.00
		199.57	Adj.	
4/19/12 (OT)	297.68	98.11	Molina	0.00
		199.57	Adj.	
4/27/12 (OT)	297.68	98.11	Molina	0.00
		199.57	Adj.	
5/3/12 (OT)	297.68	98.11	Molina	0.00
		199.57	Adj.	
5/4/12 (OT)	446.52	98.11	Molina	0.00
		348.41	Adj.	
11/12/12	1,278.27	20.58	Medicaid - (UH)	0.00
		1,257.69	Adj.	

PROVIDER	AMOUNT BILLED	AMOUNT PAID	PAID BY	BALANCE
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TOTAL MEDICALS:	\$ 215,565.62	11,077.66	Molina	32,188.14
		41,042.36	United H.C.	
		109,931.51	Adj.	

NOT A CERTIFIED COPY

PMR-DOR

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR PALM
BEACH COUNTY, FLORIDA.
FAMILY DIVISION

CASE NO: 2013-DR-6368 FA

FLORIDA DEPARTMENT OF REVENUE
o/b/o CHARISSE MATTHEWS,

Petitioners,

vs.

WAYNE DIXSON,

Respondent.

DEPARTMENT'S MOTION TO SUSPEND ON-GOING CHILD SUPPORT

COMES NOW the Florida Department of Revenue, by and through their undersigned counsel, hereby respectfully requests the Court to Suspend On-Going Child Support and as grounds therefore would state:

1. This is a Palm Beach County Department of Revenue case which involves the payment of support for a minor child(ren), through the FLSDU.
2. The minor child(ren), is/are no longer in the care, custody and control of the Petitioner effective 12/01/2013.

WHEREFORE, the Department of Revenue respectfully requests that the Court enter an Order Suspending the On-Going Child Support in this matter.

I HEREBY CERTIFY that a true copy of the foregoing was furnished by U.S. Mail on this the 2nd day of April, 2015, to: WAYNE DIXSON, 537 W. Evanston Circle, Ft. Lauderdale, FL 33302 and to CHARISSE MATTHEWS (Address Confidential).



STATE OF FLORIDA • PALM BEACH COUNTY

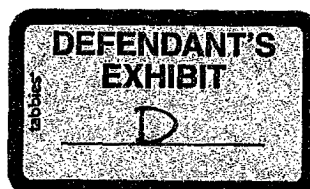
I hereby certify that the foregoing is a true copy of the record in my office with redactions, if any as required by law.

THIS 16th DAY OF October, 2015
SHARON R. BOCK
CLERK & COMPTROLLER

By Nichelle
DEPUTY CLERK

DON PICKETT, ESQUIRE
PICKETT, MARSHALL & ROZENSON, P.A.
Attorneys for Department of Revenue
325 Clematis Street, 2nd Floor - Suite B
West Palm Beach, FL 33401-4698
Telephone: (561) 655-7383
Florida Bar No. 253006
E-Serve ONLY: dor.pmlaw@att.net

DOR Documents/MOT-Suspend-Ongoing-Support.Goodwin.04.15.15



DOR-PMR

LRA #

CSE #

90885311

2000228857

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR PALM
BEACH COUNTY, FLORIDA
FAMILY DIVISION

CASE NO.

2013DR12308 FA

FLORIDA DEPARTMENT OF REVENUE

o/b/o

Chantse Matthews

Recording No.

3:38:05

66

Petitioners,

vs.

Wayne Dixon

Respondent.

**ORDER ON DEPARTMENT OF REVENUE'S MOTION
TO SUSPEND CHARGING OF CHILD SUPPORT LEDGER**

THIS CAUSE came before Magistrate Linda S. Goodwin sitting as a Child Support Hearing Officer pursuant to Rule 12.491, Fla. Fam. L.R.P., on April 15, 2015 upon the Department of Revenue's Motion to Suspend Charging of Child Support Ledger. The Respondent was was not ☒ present at the hearing. The Petitioner was was not ☒ present at the hearing. The Department of Revenue was represented by Pickett, Marshall & Rozenson, P.A. Based upon the evidence presented, a review of the Court file, and the Court being otherwise fully advised in the premises, the Court finds as follows:

Minor child no longer in Petitioner's household as of November 2013.

IT IS THEREUPON ORDERED and ADJUDGED that:

FILED 1
2015 APR 17 PM 3:50
SHARON R. BUCK, CLERK
PALM BEACH COUNTY, FL
FAMILY COURT

DEFENDANT'S
EXHIBIT

E

1. The Department's Motion is **GRANTED** **DENIED**.

2.

*Child Support is suspended
retroactive to November 2013.*

The Court specifically reserves jurisdiction of this entire matter to enter such further Orders as may be equitable, appropriate and just.

DONE AND ORDERED in Palm Beach County, Florida this 17 day
of April, 2015.

[Signature]
EDWARD A. GARRISON
ACTING CIRCUIT JUDGE

Copies to:

PICKETT, MARSHALL & ROZENSON, P.A., 325 Clematis Street, Second Floor-Suite B, West
Palm Beach, FL 33401-4610

Department of Revenue: 881 South Congress Avenue, West Palm Beach, FL 33406

PETITIONER:

Address Confidential

RESPONDENT:

*531 W. Evanson Circle
Ft. Lauderdale, FL 33302*

ANY PARTY AFFECTED BY THIS ORDER MAY MOVE TO VACATE THE ORDER BY FILING A MOTION TO VACATE WITHIN TEN (10) DAYS FROM ENTRY OF THIS ORDER. FOR THE PURPOSES OF HEARING ON A MOTION TO VACATE, A RECORD SHALL BE PROVIDED TO THE COURT BY THE PARTY SEEKING REVIEW IN CONFORMANCE WITH RULE 12.491 OF THE FLA. FAM. L.R.P.. ELECTRONIC REPORTING IS PROVIDED IN THIS CIRCUIT AND A COPY OF THE RECORDING CAN BE OBTAINED THROUGH THE COURT ADMINISTRATOR'S OFFICE (561) 355-3745. PURSUANT TO RULE 12.491 OF THE FLA. FAM. L.R.P., ANY PARTY MAY MOVE TO MODIFY THE ORDER AT ANY TIME.



I hereby certify that the foregoing is a true copy of the record in my office with redactions, if any as required by law.

THIS 13 DAY OF October, 2015
SHARON R. BOCK
CLERK & COMPTROLLER

By *[Signature]*
DEPUTY CLERK